

ORDINANCE NO. 2013-52

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 86 ENTITLED "TAXATION", ARTICLE II. OCCUPATIONAL LICENSE TAX, AND IN PARTICULAR, REVISING HIALEAH CODE § 86-43 ENTITLED "SCHEDULE OF TAX BY BUSINESS CLASSIFICATION", MODIFYING TAX FOR CERTAIN MACHINES GENERALLY OPERATED IN THE BUSINESS LOCATION OF ANOTHER, SPECIFICALLY VENDING MACHINES, ARCADE AMUSEMENT MACHINES, JUKEBOXES, POOL TABLES AND AMUSEMENT RIDES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to level the tax charged for certain machines, generally operated at the business establishment of another, specifically vending machines, arcade amusement machines, jukeboxes, pool tables and amusement rides.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 86 entitled "Taxation", Article II. Occupational License Tax, of the Code of Ordinances of the City of Hialeah, Florida, in particular, Hialeah Code § 86-43 entitled "Schedule of tax by business classification", is hereby amended to read as follows:

Chapter 86

TAXATION

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ARTICLE II. OCCUPATIONAL LICENSE TAX

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Sec. 86-43. Schedule of tax by business classification.

The amount of business tax that shall be paid by the different classifications of businesses shall be as set forth in the following schedule opposite each classification; such tax shall be computed annually unless otherwise specified. The schedule generally follows the order and numerical sequences of the North American Industrial Classification System (NAICS). Regulatory requirements for specific business activities are listed in the schedule as well as the tax.

Industry *Description and Regulation* *Tax*

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SECTORS 44 and 45	RETAIL TRADE	
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Subsector 454	Nonstore Non-store Retailers	
	454113. Mail-Order Houses	100.00
	454210. Vending Machine Operators. (per machine)	50.00*
	*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	***If business tax receipt is current and paid for the fiscal year.	

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SECTOR 71	ARTS, ENTERTAINMENT, AND RECREATION	
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Subsector 713	Amusement and Recreation Industries	
	All businesses in this Subsector	100.00
	Exceptions:	
	713120A. Amusement Arcades. Type I or Type II* (per location machine, maximum 4 type Type II machines per article Article III of chapter Chapter 18)	50.00*

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	713120D. Amusement center machines – bingo halls for adults only.*	
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	*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	***If business tax receipt is current and paid for the fiscal year.	
	713120E. Amusement (Kiddie) Rides (per machine)	50.00*
	*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	***If business tax receipt is current and paid for the fiscal year.	

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	713990. All Other Amusement and Recreation Industries.	100.00
	Exceptions:	
	713990A. Dancehalls	225.00

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	713990M. All Other Amusement and Recreation Industries. Music machines, jukeboxes and video jukeboxes. Only one permitted.	
	Requires sticker:	
	Each individual machine	150.00* 50.00*
	*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.	25.00***
	***If business tax receipt is current and paid for the fiscal year.	
	713990P. Pool Tables. (per table)	75.00*

	<u>*No transfer of business tax receipt allowed. New business tax receipt must be issued if machine is to be placed or transferred to a new location. County and state licenses required.</u>	<u>25.00***</u>
	<u>***If business tax receipt is current and paid for the fiscal year.</u>	

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

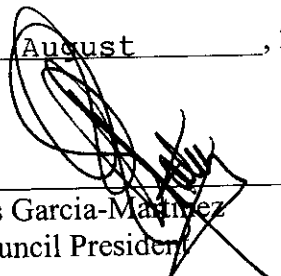
Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

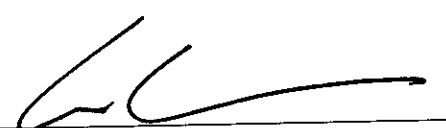
PASSED AND ADOPTED this 27 day of August, 2013.



Isis Garcia-Martinez
Council President

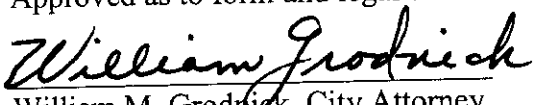
Attest:

Approved on this 28 day of June, 2013.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Council Members, Caragol, Cue-Fuente, Hernandez, Garcia-Martinez, Gonzalez, and Lozano voting "Yes", Council Member Casals-Muñoz voting "No"